

APPROVED: Meeting No. 29-85

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 22-85

April 22, 1985

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 23, 1985, at 7:15 p.m. for consultation with legal counsel and personnel matters.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 7:50 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 23, 1985, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. Notification was received on Friday that the development interests of Winmar were transferred to the Hadid Land Development Company.
2. On Sunday, from 3 to 5, the Dawson Farmhouse will be opened to the public. At noon the City will be presenting a plaque to the Owens family for their preservation efforts. Peerless Rockville will present a National Register Certificate for the 1874 Farmhouse. A letter will be mailed this week to the neighborhood near the Owens home advising them of the difficulties the City has had with the contractor who started construction of the park and storm water management dry pond in that neighborhood. The letter will inform them of what they can expect to happen in the future. At the May meeting of the Historic District Commission, the Recreation and Park Department will review the landscaping plans with the Commission and with the Owens.

Mayor Hovsepian noted that the most recent issue of Public Management Magazine contains an article written by the Assistant City Manager on Rockville's intern program. She commended Mr. Hobbs on the article and on the program.

Re: Proclamation:  
Catholic Charities  
Day - May 2, 1985

Proclamation No. 4-85

There being no objection from the Council, Mayor Hovsepian proceeded to issue Proclamation No. 4-85, proclaiming May 2 as Catholic Charities Day. Councilman Duncan read the proclamation at the request of the Mayor in which it

Meeting No. 22-85

-3-

April 22, 1985

was urged that all citizens support this community effort. Mr. Steve Goebel, Director of the Catholic Charities accepted the proclamation.

Re: Proclamation -  
Rockville Poppy Day -  
May 27, 1985

Proclamation No.5-85

There being no objection from the Council, Mayor Hovsepien proceeded to issue Proclamation No.5-85, proclaiming May 27 as Rockville Poppy Day. Councilman Tyner read the proclamation at the request of the Mayor. Marilyn Rykoskey of the American Legion Auxiliary accepted the proclamation and Amanda Studds, the 1985 Poppy Girl, distributed the flowers to the Mayor and Council and the audience.

Re: Proclamation - Older  
Americans Month -  
May, 1985.

Proclamation No. 6-85

There being no objection from the Council, Mayor Hovsepien proceeded to issue Proclamation No. 6-85 proclaiming May as Older Americans Month in Rockville. Councilman Hartogensis read the proclamation at the request of the Mayor in which it was urged that all citizens observe this month by focusing on the achievements of older persons. Mr. Tom Reilly, Chairman of the Rockville Senior Citizens Commission accepted the proclamation on behalf of the seniors.

Re: Appointments

Mayor Hovsepien made the following appointments, they were confirmed by the Council:

ACSC - Mark Allen - 2 year term as alternate  
926 Farm Haven Drive

Cultural Arts Commission: Ellie Chamberlain - reappointed - 2 year term

Recreation & Park Board: Stephen Edwards - reappointed as member - 2 year term  
reappointed as Chairman - 1 year term

April 22, 1985

Traffic & Transportation: Andy Johnson - 2 year term  
703 Monroe Street, #301

Thomas Ouska - reappointed - 2 year term

Senior Citizens Commission: Nancy Peppard - 3 year term  
864 Azalea Drive

Rockville Scholarship Foundation: Gerald Cichy - 1 year term  
One Halifax Court

Re: Presentation of  
Awards to Winners of  
Poster contest

Rockville Youth Services Division, initiated a community education project in the form of a poster contest to emphasize and to bring attention to the growing appetite among youth for the very dangerous drug PCP (or phencyclidine, a very harmful and life threatening street drug).

With cooperation from the Montgomery County Public Schools, the City received a total of 32 posters from Rockville's secondary school students using the theme "Anti-PCP" - and its dangers. In addition to the cooperation by the schools, at the March 11th Council meeting, Mayor Hovsepien proclaimed March as "Drug-Awareness Month" which kicked-off the poster contest.

The judges of the contest included Merle Crock, the Neighborhood Chairman of the Twinbrook Citizens Association, Karen Fine, from Learning Systems, Inc., and Carol Giannini, Director of the CARE Center which is the County's information center for drug and alcohol abuse.

The winners of the "Anti-PCP" contest are:

1st Prize: Ellen Poirrier  
2nd Prize: Meyer Liebovich  
3rd Prize: Jessie Hoover

Mayor Hovsepien, with Eric Stansbury, of the Youth Services Division, presented the awards to the winners.

Meeting No. 22-85

-5-

April 22, 1985

Re: Recognition of High  
School Award Winners

The following are teams and students which were recognized from each  
school:

Richard Montgomery

Team Winning State Title:	Girls Field Hockey
Student Winning State Wrestling Title:	George Pakhik
National Merit Scholar Finalists:	Andrew Broadhurst Marcel Belanger

Thomas Wootton

Team Winning State Title:	Girls Volleyball
National Merit Scholar Finalists:	Lewis S. Bruck Eric B. Fretz Mark A. Goodin Imi E. Mwangbo Dan Reiter Linus T. Wang

Rockville High

Teams Winning State Titles:	Boys Varsity Soccer Girls Varsity Volleyball
Student Winning 3200 Meter Run at MD State Indoor Track Championships:	David Petzold
National Merit Scholar Finalists:	Stanley Brown Ann Codori Kenneth Dahl Barbara Fried Joshua Gezelter Laura Pierce Nicholas Rigopoulos Susan Stolovy

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the  
Mayor and Council:

1. Erin Owens of the Dawson Farmhouse. Mrs. Owens told the Mayor and Council that they should become involved in the Dawson Park problem. All privacy at her home has been destroyed due to City actions. The planting of trees should be done in this season in order to assure proper growth, but in her complaints to the City, she has been getting the run around from everyone she

has spoken to with the exception of John Hayes. The City Manager told Mrs. Owens that those items had been addressed in his report this evening and the City is attempting to resolve the problems existing with the contractor. Councilman Tyner noted he has spoken to Mrs. Owens and he would hope that once the construction of the Park is completed that the Mayor and Council will look into the replanting to see that there is privacy at her home.

2. Michael Patterson, Historic District Commission Chairman. Mr. Patterson said the HDC will resolve the screening problem and work out a planting scheme that will be appropriate. He will see that the matter is resolved quickly if its necessary to convene a special meeting of the Historic District Commission.

3. Richard Arkin, 525 Lynch Street. Mr. Arkin told the Council that the shade trees that were planted on North Washington Street should be replaced and he would like to know what action the City is taking to correct it. Also, he would like to know the status of the flood control measures to be installed at the rear of the Beall Elementary School. It should have been done last year and was moved to this year. The City Manager explained the status of the trees on North Washington Street. The City has not yet paid for the service since there was a problem with the trees and because of an additional problem with the contractor, the City is arranging to buy the trees directly from a nursery and they will be replaced as soon as possible. It was simply the case of a contractor being unable to deliver on a project. He said, addressing the matter of the storm water management pond, there has been an extremely large volume of development in the City, putting the City behind schedule on SWM projects. The Mayor and Council can review the plans during the CIP work sessions. The City has built 38 projects in the last five years and it will be necessary for the Mayor and Council to prioritize the future construction. In the meantime, the City Manager asked the West End Citizens Association to communicate the

particular problems they are having with the storm water at the Beall Elementary to the Director of Public Works.

3. Joseph Lynott, III, attorney for Lowell Baier. Mr. Lynott addressed agenda item 12, T-69-85, which extends the ownership plan that is now in place for the I-3 Zone to the O-1 Zone. He asked the Mayor and Council to pass this on to the Planning Commission for further review and proceed with the public hearing process.

4. Arlene Simons, 708 Carr Avenue. Ms. Simons told the Mayor and Council that she recently read in the newspaper of a youth hiring cutback by the City due to the action by the Court extending the minimum wage to part-time summer help. She suggested this is a false economy on the City's behalf. Hiring young people has a positive effect and children benefit from the work experience. She said she would prefer to see her tax money going in to the expansion of this program. The City Manager said he would send all the information that was not contained in the newspaper article on the program to Ms. Simons since the young people will simply be working fewer hours but with the increased wage the amount of dollars realized will be the same. Ms. Simons insisted that the Mayor and Council should reconsider the program if they are hiring fewer people.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Presentation of FY 86  
Proposed Operating  
Budget

The City Manager presented the FY 86 Proposed Program Budget in the amount of \$24,806,846. It reflects a property tax rate decrease of \$.01 from \$.88 to \$.87 and maintains the water and sewer rates at the same level. It does show an increase charge of \$.65 per month for refuse collection. Mr. Blick, with slides and

graphs, gave an overview of the Budget. Public Hearings will be held May 20 and 21 and a work session schedule will be published as soon as it is completed.

Re: Resolution: To  
exempt private  
swimming pool  
corporations from  
admissions and  
amusement taxes for  
guest passes

Resolution No. 15-85

Councilman Hartogensis abstained from action on this since he is a board member of a private swim club.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all voting, Resolution No. 15-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, waiving the admission and amusement tax for guest passes was adopted by the Mayor and Council.

Re: Report to Mayor and  
Council on Sub-  
minimum wage for  
youth

The Mayor and Council reviewed a memo listing the positions that were filled by people earning a subminimum wage. The Mayor and Council requested a memo from the City Manager reflecting the monetary difference that would be necessary to fund the program at its current level.

Councilman Abrams asked if the Mayor and Council would agree to a letter being sent to Congress supporting the subminimum wage. He said at the present time cities have been coming forward and speaking to Congress and pointing out the difficulties involved in this wage increase.

Councilman Abrams moved, duly seconded that the City go on record as supporting the subminimum wage in a letter explaining to Congress the necessity of a lower rate when the public sector is providing programs to help people, rather than being engaged in a profit-making activity. The motion passed



April 22, 1985

unanimously. The Mayor and Council commended the staff on fashioning a program that will do the most good. They would prefer to see a broader program however.

Re: Preliminary Review  
and Referral of Text  
Amendment Applica-  
tion, T-69-85, Lowell  
Baier, Applicant, to  
extend ownership plat  
provisions to include  
the O-1 Zone

The subject Text Amendment has been filed for the purpose of extending the new Ownership Plat provisions of the Zoning Ordinance to include the O-1 Office Building Zone.

The Ownership Plat special procedures were developed specifically to address subdivision difficulties caused by the substantial lot size and development standards of the I-3, Industrial Park Zone. Such conditions do not exist in the O-1 Zone; therefore, the staff is uncertain at this time as to the need or ramifications for using the Ownership Lot process in other zones.

On motion of Councilman Duncan, duly seconded and unanimously passed, Text Amendment Application, T-69-85, was referred to the Planning Commission for further review.

Re: Approval of extension  
of time for settle-  
ment with Louthan  
Tract Joint Venture -  
Research Blvd./Gude  
Drive

The City has received requests from Messrs. Gilbert Lessenco, Esquire, and Brian Melnick to extend the date of settlement from October 15, 1985, to December 31, 1985, under the terms of an agreement approved by the Mayor and Council in October of 1984 with the Louthan Tract Joint Venture.

The agreement involved the sale of excess City property at Research Boulevard and Gude Drive. The Louthan Tract Joint Venture plans to assemble this City parcel with another tract of land to form one sizable development

parcel. A public hearing regarding the annexation and rezoning was conducted by the Mayor and Council on March 11, 1985.

Both Messrs. Lessenco and Melnick have informed the staff that a restrictive private setback covenant must be overcome before the Louthan Tract Joint Venture can settle with the City. This concern is attempting to get the restrictive 180 foot setback covenant from I-270 changed to a 100 foot setback as required by the I-3 Zone to allow the developer to build a structure large enough to make the project economically viable. Mr. Melnick has retained Joseph Lynott, Esquire, to handle this matter. The extension of time for settlement is sought because of this further complication in the normal development process.

The staff is of the opinion that it is in the City's best interest to extend the date for settlement with the Louthan Tract Joint Venture. The City Attorney will draft an amendment to the original agreement if approved. It is, therefore, recommended that the Mayor and Council approve the extension of time of settlement to December 31, 1985.

On motion of Councilman Duncan, duly seconded and unanimously passed, the extension of time settlement with Louthan Tract Joint Venture was approved.

Re: Authorization for  
City Manager to  
employ Donald  
Thalacker to assist  
the City in preparing  
a master plan for art  
in public places

Both the Cultural Arts Commission and the staff recommend that the City contract with Donald Thalacker to assist in developing a Master Plan for Art in Public Places. Staff believes that the selection process was handled very well and that the staff and the Commission have recommended an outstanding consultant for the City.

It is recommended that the Mayor and Council authorize the City Manager to

Meeting No. 22-85

-11-

April 22, 1985

enter into a contract with Donald Thalacker to assist the City in developing a Master Plan for Art in Public Places.

On motion of Councilman Abrams, duly seconded and unanimously passed, the City Manager was authorized to employ Donald Thalacker.

The City Manager invited the Mayor and Council to a meeting May 1 between the Cultural Arts Commission and Mr. Thalacker to discuss the Plan.

Re: Authorization of  
amendment to contract  
with Redgate Golf Pro

In December 1984, the Mayor and Council approved an extension of the contract between the City and Brooks Gerardi, Pro-Manager of Redgate Golf Course. According to the contract, the City provides up to \$14,883 per year for the pro-manager to hire golf shop personnel, starters, assistants and cashiers. This amount has been adequate over the years; however, play has increased to the extent that limiting the budget for this item will result in a reduction of service at the golf course.

In preparing the FY 86 budget, the City Manager concluded that the City should be prepared to spend up to \$16,000 for starters and assistants at the golf course, and the City should begin allowing for an escalation of 3% per year through the remainder of Brooks Gerardi's four-year contract. If play at the golf course is not very heavy, the starters are not used, and the money is not spent.

It is recommended that the contract with the golf pro-manager be amended to provide that the City will provide up to \$16,000 during calendar year 1985 and further to provide an escalation of 3% per year. Golf course attendance has been very good, so revenues will be sufficient to cover any extra costs in FY 85.

On motion of Councilman Duncan, duly seconded and unanimously passed, the contract with the Redgate Golf pro was amended as recommended.

## Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 17-85, March 25, 1985, were approved as amended.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all voting, (Councilman Duncan abstaining), the Minutes of Meeting No. 18-85, March 30, 1985, were approved as written.

## Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Rosemary Waugh, re "Discovery Program"
2. Nancy Hewitt, re Town Center Amendment
3. Mr. & Mrs. Alex Greene, re brick sidewalks

Councilman Hartogensis asked if there are any impediments in granting this request. The City Manager said the cost could be an impediment but a report will come back to the Mayor and Council on what the project would cost and what the cost would be to the abutting property owners.

4. Senator Mathias, re Revenue Sharing
5. Robert Lanham, re support of Rockville Crushed Stone

Mayor Hovsepien suggested this be discussed under New Business

6. State of Maryland, re Holladay-Tyler
7. Maxcine Ellis, re Richard Montgomery

## Re: Information Items

The Mayor and Council noted the following items of information

1. Memo from City Attorney re Alan Day v. Rockville City Government
2. Memo from City Attorney re State of Maryland v. Seabolt
3. Memo re Broome Park Snack Bar Concession
4. Letter complimenting Bert Drayton
5. Evaluation of Student Government Days
6. News Release on CIP

7. Copy of letter from Hungerford/Stoneridge Assn. re Rockville Pike Group

Mayor Hovsepian asked for further information on this. The City Manager said the Planning Director has written to the Hungerford Association and asked them to participate.

8. Copy of letter from Hungerford/Stoneridge Assn. re Hungerford Park School

9. Results of meeting in Lincoln Park

10. ACSC Activities, March 1985

11. Memo from City Attorney re Election Day Registration

Councilman Duncan asked that this be discussed under New Business.

12. Memo from Traffic Engineer re Washington Street Signal System

Mayor Hovsepian asked the status. The City Manager explained that it is difficult to keep with the original schedule. The City has determined it would be better to do this in-house than to contract out. The Federal aid on the project is 100% and it is difficult to by-pass that. After re-examining priorities it may be possible to complete this project in January if there are no unforeseen problems. The Mayor and Council agreed this would be the optimum solution.

13. Information on plaques for Peerless Rockville

14. Status report on Legislation of interest to Rockville

Re: New Business

1. Councilman Hartogensis said he is just back from an extremely valuable trip to Indianapolis, where he and Mr. Davis attended the City Asset conference. He met planners and Mayor and Council members from all over the world. He would hope that Rockville would continue to participate since there were so many new ideas brought forward.

2. Councilman Hartogensis said on Thursday, the Maryland Municipal League at its Chapter Meeting, will discuss with the County Executive, the Montgomery County attention to the maximum expansion limits and the intents of municipalities. He said any staff information on the subject would be most helpful.

3. Councilman Duncan noted that the staff has furnished information on the Fortune Parc Development. He would like further information on the County's Zoning in that area and the density allowed.

4. Mayor Hovsepian noted a letter from Rockville Crushed Stone asking for the City's support. She asked the Mayor and Council if a letter should be written. The Council agreed that since the City is on record as supporting Rockville Crushed Stone and its efforts, no further communication is necessary.

5. Mayor Hovsepian asked if the Mayor and Council understood what was proposed with the expansion of Election Day Registration. The Council agreed that they had approved a simple extension of the present practice to individual polling places using the County's Registration as a back up.

6. Councilman Tyner noted that he has received a letter from Del. Helen Koss concerning HB 444, the County Registration Bill and he will share it with members of the Council. Councilman Abrams suggested a letter be sent to Mrs. Koss suggesting if such a bill is introduced in the future, it allows an exemption to those cities that presently comply with her suggestions.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 9:45 p.m. to convene again in general session on Thursday, May 2, 1985, at 8:00 p.m. or at the call of the Mayor.

14